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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,266	12/28/2001	Andrew Frederick Bulfer	ATT-039PUS	8091
22494	7590	02/16/2005	EXAMINER	
DALY, CROWLEY & MOFFORD, LLP SUITE 101 275 TURNPIKE STREET CANTON, MA 02021-2310			ISMAIL, SHAWKI SAIF	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,266

Applicant(s)

BULFER ET AL.

Examiner

Shawki S Ismail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) 26-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-28 are presented for examination.
Applicant's claim for priority is acknowledged.
References in applicant's IDS form 1449 have been considered.

Claim Objections

2. Claims 26-28 objected to because of the following informalities: It appears that there has been a typo; two claims are designated as claim 26. Appropriate correction is required.

Drawings

3. New corrected drawings are required in this application because they contain handwritten reference characters. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC §102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-7, 12-24, and 29-34, are rejected under 35 U.S.C. 102(e) as being anticipated by **McCormick et al.**, (McCormick) U.S. Patent No. **6,421,709**.

6. As to claim 1, McCormick teaches a method for filtering electronic messages comprising:

examining a first electronic message from a sender to a supervised client (see Fig. 2, abstract, col. 4, lines 60-65),

determining whether the sender has been approved by a supervisory client to send electronic messages to the supervised client (see Fig. 2, abstract, col. 4, lines 60-65); and

preventing receipt of the first electronic message by the supervised client if the sender has not been approved by the supervisory client (see Fig. 2, abstract, col. 4, lines 60-65).

7. As to claim 2, McCormick teaches the method according to claim 1, further including sending a second electronic message to the supervisory client requesting approval for receipt of the message by the supervised client (col. 5, lines 10-14).

8. As to claim 3, McCormick teaches the method according to claim 1a further including sending a second electronic message to the supervisory client requesting approval for the sender to send messages to the supervised client (col. 5, lines 10-14).

9. As to claim 4, McCormick teaches the method according to claim 3, wherein the second electronic message is a forwarded version of the first electronic message (col. 5, lines 10-14).

10. As to claim 5, McCormick teaches the method according to claim 1, further including providing a screen display enabling the supervisory client to approve the first electronic message and/or the sender (see Fig. 2, col. 6, lines 2-6).

11. As to claim 6, McCormick teaches the method according to claim 1a further including storing a control list containing a list of approved senders for the supervised client (col. 4, lines 54-59).

12. As to claim 7, McCormick teaches the method according to claim 1, wherein the first electronic message corresponds to an E-mail message (see abstract).

13. As to claim 10, McCormick teaches the method according to claim 9. further including processing the first E-mail message to enable reading of subsequent E-mail messages sent from the sender (col. 6, lines 25-28).

14. As to claim 11, McCormick teaches the method according to claim 9. further including filtering E-mail messages with a Sieve filter (see abstract).

15. As to claims 9,12,15-22, these claims fail to add any new limitations and contain similar limitations as claims 1-9 above, therefore are rejected under the same rationale.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 8 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McCormick at al.**, (McCormick) U.S Patent No. **6,421,709** in view of “**Official Notice.**”

18. As to claim 8 and 23-28 McCormick teaches the claimed invention as described above. McCormick does not explicitly teach wherein the message corresponds to an instant message.

Official Notice is taken that it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify McCormick's invention to be applied to instant messages because both e-mail and instant messages are both a form of communication that attract spam and other explicit material. One of ordinary skill in that art would have been motivated to apply message filtering and access control to instant messages in order to legitimately and safely communicate with others on the Internet.

19. Claim 13-14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **McCormick at al.**, (McCormick) U.S Patent No. **6,421,709** in view of **Nielsen** U.S. Patent No. 6,453,327.

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20. As to claim 13-14, and 17, McCormick teaches the claimed invention as described above. McCormick does not explicitly teach appending information to the processed message indicative of message and/or sender approval, further including appending one or more of the first E-mail message.

Nielsen teaches a method, apparatus and computer program product for ignoring junk electronic mail (e-mail) messages. Nielsen teaches classifying messages as being junk messages by placing an X-Junk-Mail-Report: header, being sent to the Trusted Group Server 311 (see fig. 3, col. 7, lines 42-62).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Nielsen into the invention of McCormick to include putting X-lines to a header in order for the user to know whether the message is a junk message or not. This will allow the user to quickly and easily identify a message as junk message or not.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
February 14, 2005



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER